UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/2029
22 June 1995

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

WESTERN SAHARA

Working paper prepared by the Secretariat

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I. GENERAL

1. A detailed account of general conditions and developments relating to Western Sahara was provided in the previous working paper on the Territory prepared by the Secretariat (A/AC.109/1194).

II. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FORTY-NINTH SESSION

2. At the forty-ninth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives during their statements in plenary meetings. An account of the Fourth Committee's consideration of the item at the forty-ninth session is given in the related report of the Committee to the General Assembly. 1/

3. On 9 December 1994, on the recommendation of the Fourth Committee, the General Assembly adopted, without a vote, resolution 49/44 on the question of Western Sahara. The operative part of the resolution reads as follows:

"The General Assembly ...

"1. Takes note with appreciation of the report of the Secretary-General; 2/

"2. Pays tribute to the Secretary-General and the personnel of the United Nations Mission for the Referendum in Western Sahara for their action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

"3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), in which the Council adopted the settlement plan for Western Sahara;

"4. Reaffirms that the goal on which all were agreed consists in the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

"5. Endorses the contents of the statement of 29 July 1994 by the President of the Security Council in which the Council, inter alia, welcomed the progress made to date on the issues outlined in the report of the Secretary-General 3/ towards the implementation of the settlement plan, commended, in particular, the work of the Identification Commission and the efforts of the Deputy Special Representative of the Secretary-General pursuant to resolution 907 (1994) and urged the two parties to continue to cooperate with the Secretary-General and the United Nations Mission for the

Referendum in Western Sahara to ensure the earliest possible implementation of the settlement plan; 4/

"6. Expresses the hope that direct talks between the two parties will soon resume in order to create a propitious atmosphere conducive to a speedy and effective implementation of the settlement plan;

"7. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its fiftieth session;

"8. Invites the Secretary-General to submit to the General Assembly at its fiftieth session a report on the implementation of the present resolution."

III. GOOD OFFICES OF THE SECRETARY-GENERAL

4. An account of a series of contacts and consultations undertaken in 1994 by the Secretary-General in the exercise of his good offices, within the context of General Assembly resolution 48/49 of 10 December 1993, is given in his report of 7 October 1994 to the Assembly at its forty-ninth session (A/49/492). Since the circulation of that report, the Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

5. It may be recalled that the Security Council, by its resolution 907 (1994) of 29 March 1994, requested the Secretary-General to report to the Council not later than 15 July 1994 on progress achieved in the work of the Identification Commission as well as other aspects relevant to the implementation of the settlement plan with a view to deciding on further action necessary for fulfilment of the United Nations Mission for the Referendum in Western Sahara (MINURSO). Accordingly, the Secretary-General submitted his report (S/1994/819) on 12 July, in which he noted that his Deputy Special Representative had met with both parties as well as the representatives of Algeria and Mauritania to discuss implementation of resolution 907 (1994). The Secretary-General stated that the Identification Commission had achieved the agreement and cooperation of both parties in order to proceed with the identification of potential voters. During their consultations with the Commission, the two parties had agreed on two Saharan tribal subgroups (subfractions) with which to start the operation and on the relevant sheikhs to assist the Commission in determining the identity and eligibility of applicants who were members of those subfractions. With the agreement of the parties as regards other arrangements, the Commission succeeded in completing all necessary groundwork for launching the process on 8 June. However, the Commission could not start the identification operation because of the difficulty over the OAU observers described in paragraphs 28 to 32 of the report of the Secretary-General of 12 July 1994 (S/1994/819).

6. In order to overcome that difficulty, the Secretary-General held extensive consultations with the current Chairman and the Secretary-General of OAU and with other concerned parties with a view to enabling the Commission to start the identification and registration of potential voters, which was subsequently planned on 8 August 1994.

7. Meanwhile, the Identification Commission had collected a total of over 75,000 completed application forms, of which 20,000 had been processed and analysed.

8. The Secretary-General had indicated his intention to recommend that the transitional period should start on 1 October 1994 and that the referendum should take place on 14 February 1995, subject to the approval of the Security Council.

9. In his report (S/1994/1257) of 5 November 1994, the Secretary-General informed the Security Council that the identification and registration operation had finally been launched on 28 August, with an opening ceremony held simultaneously at Laayoune and the El-Aiun camp in the Tindouf area. Within the first two months of its operation, the Commission had collected 81,500 completed forms and continued to computerize and analyse them. In a letter to the parties dated 21 September, the Deputy Special Representative set 15 October 1994 as the deadline for the receipt of applications. However, owing to unprecedented heavy rainfall and consequent flash-flooding on 8 and 9 October in the Tindouf area, a 10-day grace period was granted for the receipt of applications.

10. In the second half of October, there was a flood of completed application forms. It exceeded the number previously received. However, the pace with which the applications were computerized and analysed indicated that many months would be required to make sufficient progress in the identification process, forcing a revised timetable for the steps still to be taken to implement the settlement plan. In this connection, the Secretary-General indicated that he would report to the Security Council on the organization and timing of the referendum after the consultations he intended to hold during his visit to the area in November 1994.

11. On 15 November 1994, the President of the Security Council made a statement on behalf of the Council (S/PRST/1994/67) in which he expressed, among other things, the concern of the Council about the slow speed of the identification process. The Council hoped that after his visit to the area the Secretary-General would be able to report significant progress towards implementing the settlement plan and holding the long overdue referendum.

12. In his report (S/1994/1420) of 14 December 1994 to the Security Council, the Secretary-General gave an account of his consultations with the parties during his visit to the mission area from 25 to 29 November 1994. Issues discussed had included the process leading to the referendum; the Security Council's position on this issue; increasing the number of the identification centres and personnel; various other aspects of MINURSO'S work; and the cooperation of both parties with the Deputy Special Representative. He noted that the leaders of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) had expressed concern about certain

developments since the beginning of the identification and registration process that they viewed as impediments to the smooth implementation of the settlement plan and the conduct of a free, fair and impartial referendum. In addressing the Frente POLISARIO's main concern, the last-minute submission of the large number of application forms, the Secretary-General had assured them of the independence, impartiality, fairness and integrity of the Identification Commission.

13. The Secretary-General also reported that he had met King Hassan II of Morocco and some cabinet members and that he was reassured that Morocco remained fully committed to the settlement plan and would continue to provide all assistance required to implement the plan. The Secretary-General stated that both parties had agreed that the beginning of the identification and registration process was a major step towards the full implementation of the plan and that necessary measures should be taken to accelerate very significantly the pace of that process.

14. The Secretary-General reported that a technical team had visited MINURSO from 10 to 14 November 1994 to reassess the logistics and other requirements for the possible full deployment of the mission at full strength. The team agreed that MINURSO should focus on finding the means to speed up the process of identifying and registering potential voters and, in this connection, strongly supported the idea of expanding the Identification Commission.

15. In his report, the Secretary-General noted that the identification of potential voters was a complex operation as it could take place only in the presence of observers of both parties and of OAU, as well as two tribal leaders (sheikhs), one from each side who could testify. It follows that in the absence of one observer or one sheikh, the work had to be postponed or delayed. The process was time-consuming in that the potential voters could be identified only through meticulous examination of material evidence and through detailed interviews with applicants in the presence of all concerned from both parties.

16. The Secretary-General noted that, given the large number of applications received, the only way to complete identification and registration in a reasonable time would be through a major reinforcement of personnel and other resources. The Deputy Special Representative had indicated that the four identification and registration teams working in Laayoune and Tindouf (two at each centre) had achieved a weekly output of 1,000 potential voters interviewed and identified and that the rate of output was steadily increasing. A new centre became operational in Boujdour on 2 December and another centre became operational in the Tindouf area on 5 December. It was estimated, however, that the completion of the work within a reasonable time-frame would require an estimated 25 teams working simultaneously at an increased number of identification and registration centres. As indicated in the Secretary-General's report of 5 November (S/1994/1257), consultations were already being held with the parties regarding the locations, equipping and opening of additional centres. MINURSO had developed a plan for the establishment of six additional centres and five mobile identification and registration teams.

17. The Secretary-General expressed the hope that by 31 March 1995 the progress achieved in the identification and registration process would reach a level that would enable him to recommend 1 June 1995 as the date for the start of the transitional period. The Secretary-General noted that as of 1 June 1995, in accordance with the settlement plan, the combatants of the two sides would be confined to designated locations and, as soon as possible after that date, prisoners of war would be exchanged, amnesty would be proclaimed for political prisoners and detainees and for returnees and all political prisoners or detainees would be released. It was indicated that the referendum would be held in October 1995.

18. On 13 January 1995, the Security Council, having considered the Secretary-General's report (S/1994/1420) of 14 December 1994, adopted resolution 973 (1995), in which it approved the expansion of MINURSO as proposed in paragraphs 17 to 19 of the Secretary-General's report and expressed the hope that every effort would be made to deploy the observers necessary to complete the identification process in a timely fashion in accordance with the settlement plan. The Council requested the Secretary-General to report by 31 March 1995 to confirm the arrangements with regard to the logistics, personnel and other resources required for the deployment of MINURSO at full strength in order to fulfil the United Nations mission in Western Sahara. The Council expected to be able, on the basis of the report submitted by 31 March 1995, to confirm 1 June 1995 as the date for the start of the transitional period with a view to holding the referendum in October 1995 and to bringing the mission to a successful conclusion shortly thereafter. By the same resolution, the Council decided that the mandate of MINURSO should continue to 31 May 1995. It also decided to consider the possible extension of the mandate of MINURSO after 31 May 1995 on the basis of a further report from the Secretary-General and in the light of progress achieved towards the holding of the referendum and the implementation of the settlement plan.

19. The Secretary-General, in his interim report (S/1995/240) of 30 March 1995, pointed out that on 14 December 1994 the Government of Spain had forwarded important archival material to his Deputy Special Representative, at his request. The material comprised 48 volumes of birth certificates, 19 volumes of marriage certificates, 11 volumes of divorce certificates and 11 volumes of death certificates, which together constituted the Registro Civil Cheranico del Sahara Occidental. Those documents had been classified by MINURSO identification staff and were proving of considerable value as aids to identification, especially for doubtful cases, and for the exhaustive review of all files undertaken in conjunction with the observations received from the representatives of the parties.

20. The Secretary-General observed that the single greatest obstacle to identification had been the issue of tribal leaders. The settlement plan gave tribal leaders the responsibility for identifying applicants as being the persons they claimed to be and as belonging to a particular tribal group (subfraction); the sheikhs were also to provide oral testimony relevant to the eligibility criteria. Most sheikhs, elected as they had been in 1973, were already of mature years at the time and many had since died or become incapacitated. There were, in consequence, a large number of subfractions, one third of the total, without a recognized tribal leader on at least one side.

Until last year, this unresolved issue had been the most intractable obstacle to identification.

21. The Secretary-General noted that on other related cases the views of the Frente POLISARIO and the Government of Morocco diverged markedly. The Frente POLISARIO argued that to avoid any subsequent manipulation of the selection of sheikhs, only sheikhs elected in the Territory in 1973, or their eldest sons, should be eligible to testify. Morocco opposed the view that the 1973 list of sheikhs could not be changed. It argued that the 1973 election of sheikhs under Spanish rule had been the only one ever held in the Territory, that sheikhs had traditionally been co-opted and not elected, that not all Saharan sheikhs had necessarily been in the Territory in 1973, and that those elected in 1973 might subsequently have been replaced by others, since their term of office was to last only five years.

22. On 10 February 1995, the Deputy Special Representative of the Secretary-General addressed similar letters to both parties in which he proposed that a surviving sheikh from the 1973 election was to be preferred; then his eldest surviving son; then a candidate from the election of 1973, normally by descending number of votes received; and failing that, the party would put forward three names from which the Chairman of the Identification Commission would select one, after consultation with the other party. The three names were to be of persons from the subfraction concerned, of recognized standing in their community, of appropriate age, without any official position and themselves included in the census lists of 1974.

23. In response, on 25 February 1995, the Moroccan authorities provided detailed statistical information concerning the whereabouts of all members of the subfractions listed as resident in the Territory. The Moroccan authorities undertook to make available names of candidates to replace sheikhs as required. On 26 February 1995, the Frente POLISARIO responded with the names of persons to be considered as replacements in the absence of sheikhs.

24. As regards the logistic, personnel and other resources required for the deployment of MINURSO at full strength, the Secretary-General noted that, in addition to the four identification centres which were operating by the end of 1994, three more centres had been opened between February and March 1995 in the towns of Smara and Dakhla in the Territory and in the El-Aiun refugee camp near Tindouf. Also, arrangements had been completed to establish a centre in the Dakhla camp, some 180 kilometres from Tindouf. Sixteen identification teams were to be assigned to these eight centres. The Secretary-General indicated that local conditions and logistics permitting two identification teams working in tandem at each centre had the capacity to process up to 150 cases a day. It was therefore expected that approximately 20,000 applicants could be processed per month at eight centres.

25. The Secretary-General also indicated that once additional qualified staff and equipment became available, two more centres would be established, bringing the total number of centres to 10. Provision had also been made for the deployment of five mobile teams to deal with smaller numbers in more remote places. It was estimated that as many as 25,000 persons would then be identified monthly. As of mid-March 1995, over 21,300 persons had been

identified. This represents 16.5 per cent (13,473 out of 81,855) of those applicants in the Territory about whom information was fully available to MINURSO and 27.3 per cent (7,870 out of 28,831) of those in the camps in the Tindouf area. MINURSO has completed computerized information relevant to all applications received from persons to be identified in the four population centres in Western Sahara (Boujdour, Dakhla, Laayoune and Smara) and in the camps in the Tindouf area (Awsard, Dakhla, El-Aiun and Es-Smara camps). The data processing of the additional 14,568 applications received in Mauritania, in spite of the many technical problems, had also been completed.

26. As regards the final plan for implementing the settlement plan, the Secretary-General recalled the main elements of the plan contained in his report (S/1994/819) of 12 July 1994. During the transitional period, the United Nations is to organize and conduct a referendum in the Territory to enable the people of Western Sahara to choose between independence and integration with Morocco. To this end, there is to be a cease-fire followed by an exchange of prisoners of war, a reduction in the Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. In order to ensure that the necessary conditions exist for the holding of a free and fair referendum, the United Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, political prisoners will be released. All laws or regulations that might impede the holding of a free and fair referendum will be suspended as deemed necessary. All refugees and other Western Saharan residents outside the Territory who wish to return will be enabled to do so by the Office of the United Nations High Commissioner for Refugees (UNHCR) after their right to vote has been established.

27. The Secretary-General observed that with the additional resources necessary for carrying out the identification of potential voters that had been promised and the agreement that had been reached on how identification might be carried forward, the holding of the referendum had thus become a real possibility. However, progress in identification would depend more than anything on the collaboration of both parties. In his report (S/1994/1420) of 14 December 1994, the Secretary-General expressed the hope that progress achieved in the identification and registration process by 31 March 1995 would enable him to recommend 1 June 1995 as the date for the start of the transitional period. While the rate of identification was increasing, the progress achieved by 31 March 1995 did not permit him to make that recommendation. If, however, the parties made it possible to raise the rate of identification to 25,000 per month and if they cooperated in resolving expeditiously the remaining issues in the settlement plan, it can be envisaged that the transitional period could begin in August 1995 and that the referendum could be held in January 1996.

28. At the 3516th meeting of the Security Council, held on 12 April 1995, following the Council's consideration of the Secretary-General's report (S/1995/240) of 30 March 1995, the President of the Council made the following statement on behalf of the Council:

> "The Security Council notes the report of the Secretary-General dated 30 March 1995 (S/1995/240). It welcomes progress achieved so far in the identification and registration process, in particular the acceleration in

the rate of identification, and emphasizes the need to continue that acceleration. It endorses the Secretary-General's goal of achieving a rate of at least 25,000 per month. However, the Council regrets that progress was not sufficient to enable the Secretary-General to recommend 1 June 1995 as the date for the commencement of the transitional period.

"The Security Council also notes with concern the delays resulting from the failure to ensure the continuous presence at the identification centres of the necessary sub-fraction representatives. It welcomes the agreement on a method for choosing alternative sub-fraction representatives when necessary and it expresses the hope that this will contribute to further acceleration of the process with a view to holding the referendum in January 1996. The Council supports the Secretary-General's call upon both parties to cooperate fully with the Identification Commission in the performance of its work, in particular by abandoning their insistence on strict reciprocity in the number of centres and on the linkage of a centre on one side with a specific centre on the other.

"The Security Council expresses its concern about the slow progress on the other aspects which are relevant to the fulfilment of the settlement plan and must be implemented before the referendum can take place. It calls upon both parties to cooperate fully with the Secretary-General, with his Deputy Special Representative, with the United Nations Mission for the Referendum in Western Sahara (MINURSO), and to coordinate such cooperation to ensure prompt and full implementation of all aspects of the settlement plan.

"The Security Council hopes to see continuous and rapid progress by the time of the Secretary-General's next report in May 1995, which would enable it to consider favourably the possible extension of MINURSO's mandate."

29. Pursuant to resolution 973 (1995) of 13 January 1995 and the statement by the President of the Security Council of 12 April 1995, the Secretary-General submitted his report (S/1995/404) on 19 May 1995 in which he updated initial information on the ongoing identification process for the referendum in Western Sahara (ibid., paras. 2-11). The Secretary-General said that he was encouraged that, in spite of all the communications, logistic and other difficulties encountered, individuals were showing a real commitment to the identification process.

30. As regards the final plan for implementation of all elements of the settlement plan, the Secretary-General stated the position with regard to the reduction of Moroccan troops in the Territory: confinement of troops of the Frente POLISARIO; release of political prisoners and detainees; exchange of prisoners of war; code of conduct; and return of refugees, other Western Saharans and members of the Frente POLISARIO entitled to vote (ibid., paras. 13-18).

31. Under the settlement plan, which came into effect in 1990, the Kingdom of Morocco and the Frente POLISARIO recognize that the sole and exclusive responsibility for the organization and conduct of the referendum in Western

Sahara is vested in the United Nations. The parties also undertook to cooperate with the Special Representative of the Secretary-General in the performance of his functions. In this context, the Secretary-General stated that if MINURSO was permitted to proceed rapidly with identification, the referendum could take place only next year. He added that meanwhile, and before confirming the date for the start of the transitional period, progress must be achieved on the important aspects of the settlement plan, which required the following: in early July 1995, the Secretary-General is expected to forward to the parties the final text of the code of conduct and to inform the Security Council accordingly. The Secretary-General also stated that in August 1995 he would inform the Council of the progress made by the independent jurist on the release of political prisoners. In September, the Secretary-General would make a ruling on the confinement of the Frente POLISARIO troops. By that time, the Secretary-General should have received confirmation from the Government of Morocco on the arrangements for the reduction of its troops in the Territory.

32. The Secretary-General recommended that the Security Council extend the mandate of MINURSO for a period of four months. Further, by the end of September, he would assess all the progress achieved and, on that basis, make recommendations to the Security Council for the fulfilment of the United Nations mandate in Western Sahara (ibid., para. 39).

33. At its 3540th meeting, held on 26 May 1995, the Security Council, following its consideration of the Secretary-General's report of 19 May, adopted resolution 995 (1995), the operative part of which reads as follows:

> "1. Reiterates its commitment to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties;
>
> "2. Commends the progress in identifying potential voters since the beginning of the year;
>
> "3. Expresses concern, however, that certain practices identified in the Secretary-General's report are hampering further progress towards the implementation of the settlement plan, and underlines the need for the parties to heed the Secretary-General's call on them to work with the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation;
>
> "4. Decides in this context, and with a view to accelerating the implementation of the settlement plan, to send a mission of the Council to the region;
>
> "5. Decides, therefore, to extend at this stage the present mandate of the United Nations Mission for the Referendum in Western Sahara until 30 June 1995;

"6. Decides to consider the further extension of the mandate of the United Nations Mission for the Referendum in Western Sahara beyond 30 June 1995 in the light of the Secretary-General's report of 19 May 1995 and the report of the Security Council mission referred to in paragraph 4 above;

"7. Decides to remain seized of the matter."

IV. POLITICAL AND OTHER DEVELOPMENTS

34. In a statement at the forty-ninth session of the General Assembly, on 29 September 1994 (A/49/PV.10), Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco, stated that with regard to the question of Western Sahara the United Nations settlement plan had entered the final stage of implementation. He said that Morocco had cooperated sincerely with the Secretary-General, as attested to in the Secretary-General's reports, with a view to facilitating his mission and speeding up the ongoing process. He added that Morocco looked forward with optimism to the holding of the referendum within the next few months.

35. On 12 October 1994, a representative of the Frente POLISARIO, speaking at the 4th meeting of the Fourth Committee, said that after 15 years of fighting, there was a favourable international context for the peaceful settlement of conflicts; the United Nations and the Organization of African Unity had worked out a settlement plan for Western Sahara which had gained the acceptance of both parties and had been approved by the Security Council. The representative stated that the objective of the plan was the organization of a referendum of self-determination which would allow the Saharan people to choose freely between independence, for which they had fought, or integration to the Power which had occupied their Territory by force. In accordance with General Assembly resolution 40/50 of 2 December 1985 and OAU resolution AHG/Res.104 (XIX) of 12 June 1983, the referendum was to be organized in the absence of military or administrative constraints. However, Morocco had imposed on the United Nations the stationing of 65,000 soldiers and of administrative and police forces during the transitional period and tens of thousands of settlers had been transferred to the Territory. The Frente POLISARIO representative said that those were certainly not ideal conditions for a free referendum, especially since the number of people eligible to vote did not exceed 80,000. The Saharan Arab Democratic Republic, a full-fledged member of OAU, had made those concessions in order to contribute to the success of the joint effort undertaken by the United Nations and OAU. He stated that the Moroccan Government, however, while attempting to use the United Nations to legitimize its occupation of the Territory, had imposed a unilateral modification of the most fundamental provision relating to the question of voter identification in order to include Moroccan people in the voter's list for the referendum.

36. The representative of Frente POLISARIO said that after the adoption by the Security Council of resolution 907 (1994), in which it had opted for the second of the three options proposed by the Secretary-General, the Frente POLISARIO had spared no effort to ensure that the peace process, which had been greatly damaged by the deliberate obstruction of the Moroccan Government, was kept alive

and ended with success. He said that Morocco had yet again created obstacles to the work of identifying Saharans eligible to vote in the referendum and that had compelled the Identification Commission to delay the beginning of its work by several months.

37. The Frente POLISARIO representative went on to say that there were sufficient facts to demonstrate that much still remained to be done in order to ensure a transparent, fair and free referendum. The transitional period had not yet begun and there was no guarantee that Morocco would respect its results since the Moroccan leaders, both of the Government and of the official opposition, were constantly reiterating that they would not accept anything but a referendum confirming the occupation.

38. The representative said that the United Nations should assume fully the responsibility incumbent upon it in conformity with the Charter of the United Nations in dealing with the conflict, the continuation of which was depriving the Saharan people of their legitimate rights and endangering the security and stability of the Maghreb and North Africa. The Frente POLISARIO was willing to engage in an official, responsible and serious dialogue with the Moroccan Government to eliminate difficulties on the road to the organization of a referendum of self-determination. Only a referendum of self-determination with international guarantees to ensure its credibility and transparency would lead to a just and definitive peace, and consequently, to the strengthening of stability in the region.

39. Speaking at the 6th meeting of the Fourth Committee, on 13 October 1994, the Permanent Representative of Morocco to the United Nations, H.E. Ahmed Snoussi, reiterated his Government's cooperation with the Secretary-General to find a joint and lasting solution to the question of Western Sahara. He said that the Committee, in making its recommendations on the question, could not, of course, contradict the provisions made by the Security Council or become a forum for the claims of one party and its promoters. He further said that the settlement plan was well on its way to achievement and all members must take a responsible attitude so as not to jeopardize the process. He added that the problem of the Sahara had become the international community's problem, and the international community, with Morocco's consent, had chosen to re-route it through the Security Council and the Secretary-General.

40. At its 13th meeting, on 28 October 1994, the Fourth Committee adopted without a vote draft resolution A/C.4/49/L.5/Rev.1 on the question of Western Sahara. On 9 December 1994, on the recommendation of the Fourth Committee, the General Assembly adopted the draft resolution without a vote as resolution 49/44 (see para. 3 above).

41. In his statement at the opening session of the Special Committee on 27 February 1995, the representative of the Secretary-General said that General Assembly resolution 49/44 reaffirmed the goal of a free, fair and impartial referendum for the people of Western Sahara. The Security Council, which continued to be seized of the matter, was following closely the implementation of the settlement plan. On the ground, the identification process was now under way, which would lead to the organization of the referendum in October 1995.

42. Following its recent decision (resolution 995 (1995), para. 4) made with a view to accelerating the implementation of the settlement plan, the Security Council agreed on 30 May to send a six-member mission to the region on 3 June for six days with the following terms of reference:

- "To impress upon the parties the necessity of cooperating fully with MINURSO in the implementation of all aspects of the settlement plan and to underline the fact that any further delay would put the whole future of the mission at risk;

- "To assess progress and identify problems in the identification process, bearing in mind the deadline for the referendum of January 1996;

- "To identify problems in other areas relevant to the fulfilment of the settlement plan (including the reduction of Moroccan troops, the confinement of Frente POLISARIO troops, the release of political prisoners and detainees, the exchange of prisoners of war and the return of refugees)." 5/

Notes

1/ A/49/23 (Part V), sect. B.4.

2/ A/49/492.

3/ S/1994/819.

4/ See S/PRST/1994/39.

5/ S/1995/431.